

## TITLE 16. VETERINARY MEDICAL BOARD

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at University of California at Davis, Ken Maddy Conference Room, West Health Science Drive, Davis, CA 95616 at 1:00 p.m. on Thursday, January 20, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on January 17, 2005, or must be received by the board at the hearing

The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### Authority & Reference

Pursuant to the authority vested by Section 4808 of the Business and Professions Code, and to implement, interpret or make specific Sections 4846.5, of said Code, the board is considering changes to Division 20 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law authorizes the Veterinary Medical Board to review a waiver requesting an exemption from the continuing education requirements necessary for veterinary license renewal. This regulatory proposal will amend those regulations related to the review process and criteria necessary to qualify for such exemption. This regulatory proposal will require additional documentation to be submitted with the waiver request and extend the time frame for the board to review and make a decision on the request. The proposal will change the requirements licensee's must meet to qualify for a waiver and add the authority to deny the waiver based on consumer and animal protection issues and authorize the board to use information from the request for further disciplinary action when necessary.

#### **1. Amend Section 2085.2.**

Business and Professions Code Section 4846.5 requires that veterinarians renewing a veterinary license complete 36 hours of approved CE. Subsection (h) authorizes the board to exempt a veterinarian from the CE requirement, if they meet criteria as established by the Board. California Code of Regulations section 2085.2 makes specific the requirements for CE waiver approval. Since the implementation of this requirement in 2002, the Board's review of multiple waivers has revealed a need to clarify and amend the waiver requirements. the Board is modifying the regulation to make it clearer and more concise for the Board and for licensees.

Section 2085.2 (a)

Existing regulations do not require enough information nor give sufficient review time for a determination to be made on a CE waiver request. This proposed amendment would update the waiver request form needed by licensees to request a continuing education (CE) waiver. The form date would change from 11/1/01 to 10/04 and reflect the additional information as outlined in this proposal. The proposed change includes requiring a letter to be submitted with the waiver giving an explanation of the reason for the request. The proposal extends the Board review time from 30 to 75 working days to make a determination on the waiver.

Section 2085.2 (c)(2)

Existing regulations allow a waiver to be approved if a licensee is either prohibited from completing CE or prohibited from practicing veterinary medicine. This regulatory proposal will change the requirements necessary to qualify for the CE waiver by requiring that both these criteria be met in order for the Board to grant the waiver.

Section 2085.2 (d)

There are no regulations that establish the criteria necessary to deny a waiver. This proposed regulation will authorize the board to deny a waiver even though the licensee meets the criteria, if by granting the waiver it compromises the health and safety of consumers and animals. The proposal also authorizes the Board, if necessary, to use the information from a waiver as a basis for determining whether the applicant violated the Veterinary Medicine Practice Act and take action accordingly.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on the creation of jobs or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would not affect small businesses.

This regulatory proposal involves clarifying the existing regulations relevant requesting a waiver from the continuing education requirements. The changes strengthen consumer and animal protection that the board is mandated to uphold.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Veterinary Medical Board at 1420 Howe Avenue, Suite 6, Sacramento, CA 95825-3228.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

#### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Deanne Pearce  
Address: 1420 Howe Avenue, Suite 6  
Sacramento, CA 95825-3228  
Telephone No.: (916) 263-2610.  
Fax No.: (916) 263-2621  
E-Mail Address: deanne\_pearce@dca.ca.gov

The backup contact person is:

Name: Jennifer Thornburg  
Address: 1420 Howe Avenue, Suite 6  
Sacramento, CA 95825-3228  
Telephone No.: (916) 263-2610.  
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E-Mail Address: jennifer\_thornberg@dca.ca.gov

Website Access:

Materials regarding this proposal can be found at [www.vmb.ca.gov](http://www.vmb.ca.gov).